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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 PETER RUDOLPH, individually and on behalf) CASE NO.: C-07-4578 SI
12 of all others similarly situated,)
13 Plaintiff,) JOINT STIPULATION AND
14 v.) [PROPOSED] ORDER REGARDING
15 UT STARCOM, HONG LIANG LU, MICHAEL) TIME FOR DEFENDANTS'
16 SOPHIE, THOMAS TOY, and FRANCIS) RESPONSE TO PLAINTIFF'S CLASS
17 BARTON,) ACTION COMPLAINT
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1 WHEREAS, on September 4, 2007, Plaintiff filed his Class Action Complaint for
2 Violations of the Federal Securities Law ("Class Action Complaint");

3 WHEREAS, on September 20, 2007, lead plaintiffs in the action entitled *In re*
4 *UTStarcom, Inc. Securities Litigation*, No. C-04-4908 (N.D. Cal.) ("*In re UTStarcom*"), filed an
5 Administrative Motion to Consider Whether Cases Should Be Related Pursuant to Civil Local
6 Rules 3-12 and 7-11 ("Motion to Relate Cases"), requesting that that court relate the instant
7 action to *In re UTStarcom*;

8 WHEREAS Plaintiff in this action timely filed a memorandum of points and authorities
9 opposing this Administrative Motion to Relate Cases on September 25, 2007;

10 WHEREAS, the court in *In re UTStarcom* has not yet ruled on the Motion to Relate
11 Cases;

12 WHEREAS, counsel for plaintiff and defendants have met and conferred and have agreed
13 to a schedule for briefing any motions directed at the Class Action Complaint but desire to avoid
14 unnecessary motion practice until it is determined whether the present action will be
15 consolidated with *In re UTStarcom*;

16 WHEREAS, the parties therefore stipulate that: a) defendants' time to Answer or
17 otherwise respond will be extended until forty-five (45) after Court-appointed lead plaintiff(s) in
18 this action files an Amended Complaint in the instant action, b) if and when defendants serve any
19 motion(s) directed at the court-appointed lead plaintiff's Amended Complaint, the lead plaintiff's
20 opposition brief(s) will be due within forty-five (45) days of the filing of such motion, and that
21 defendants' reply brief(s) will be due within thirty (30) days of any opposition;

22 NOW THEREFORE, pursuant to the parties' stipulation and subject to the Court's
23 approval:

24 (a) Defendants' time to Answer or otherwise respond will be extended until forty-five
25 (45) after Court-appointed lead plaintiff(s) in this action files an Amended Complaint in the
26 instant action;

27 (b) if and when defendants serve any motion(s) directed at the court-appointed lead
28 plaintiff's Amended Complaint, the lead plaintiff's opposition brief(s) will be due within forty-

1 five (45) days of the filing of such motion, and that defendants' reply brief(s) will be due within
2 thirty (30) days of any opposition;

3 (c) If defendants file and serve a reply to plaintiff's opposition, they must do so
4 within thirty (30) days of the opposition; and

5 (d) Should the court in *In re UTStarcom* grant the Motion to Relate Cases, defendants
6 shall not be required to respond to plaintiff's Class Action Complaint, but will comply with the
7 existing deadlines already in place in *In re UTStarcom*.

8 IT IS SO STIPULATED.

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10 Dated: October 4, 2007

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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12
13 By: /s/ BAHRAM SEYEDIN-NOOR
14 BAHRAM SEYEDIN-NOOR

15 Attorneys for Defendants

16 Dated: October 4, 2007

17 FINKELSTEIN, THOMPSON LLP

18
19 By: /s/ DONALD J. ENRIGHT
20 DONALD J. ENRIGHT

21 Attorneys for Plaintiff

22 **ORDER**

23 PURSUANT TO THIS STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO
24 ORDERED.

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26 Dated: _____

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The Honorable Susan Illston
United States District Court Judge

1 I, Bryan Ketroser, am the ECF User whose identification and password are being used to
2 file the Joint Stipulation and [Proposed] Order Regarding Time for Defendants' Response to
3 Plaintiff's Class Action Complaint. I hereby attest that Bahram Seyedin-Noor and Donald J.
4 Enright have concurred in this filing.

5
6 Dated: October 4, 2007

WILSON SONSINI GOODRICH & ROSATI

Professional Corporation

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8 By: /s/ BRYAN KETROSER
BRYAN KETROSER

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10 Attorneys for Defendants

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